

Middletown Zoning Minutes

May 26, 2015

Administrative: Roll Call Present to vote: Chairman Tom Silveira, Secretary Stephen MacGillivray, Charles Vaillancourt (resigned), Jim Miller, Olin Gambrell, Chris Sousa, Henry Pine; John Peixheino (Absent)

Election of Officers –Stephen MacGillivray moves to elect Tom Silveira as chair, Jim Miller seconds and Tom Silveira is elected by a vote of 5-0. Stephen MacGillivray moves to elect Jim Miller as Vice Chair and Olin Gambrell seconds; Jim Miller is elected by a vote of 5-0. Jim Miller moves to elect Steve MacGillivray as Secretary. Olin Gambrell seconds and Stephen MacGillivray is elected Secretary by a vote of 5-0.

Adoption of Minutes – The Minutes of March 24, April 28 are approved by a vote of 5-0.

Continuances/Withdrawals:

Petition of: VSH Realty Inc & Cumberland Farms, Inc.- by their attorney Robert M Silva, Esq.- for a Variance from Sections 603, 701 & Article 13- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility with a south side yard setback of 4.9' where 20' is required; a front yard setback of 8.3'

where 10' is required; a rear yard setback of 25.8' where 50' is required; 8 parking spaces where 14 parking spaces are required, and from the landscaping requirements set forth in the Middletown Planning Board's Rules and Regulations regarding the Subdivision and Development of Land, pursuant to plans filed herewith and prepared by Vanasse, Hangen, Brustlin, Inc. Said real estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE. David Martland, attorney for the petitioner, indicates that the matter is pending before the Planning Board and requests a continuance to June 23, 2015. This is granted.

Petition of: VSH Realty Inc & Cumberland Farms, Inc.- by their attorney Robert M Silva, Esq.- for a Special Use Permit from Sections 602 and Article 11- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility as presently located in a Traffic Sensitive Limited Business Zone (LBA) and in Zone 1 of the Watershed Protection District (WPD). Said real estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE. David Martland, attorney for the petitioner, indicates that the matter is pending before the Planning Board and requests a continuance to June 23, 2015. This is granted.

Petition of: Kempenaar Real Estates, Inc.- for a Special Use Permit from Sections 602 & 605- to allow a 3,270 sq. ft. addition to the existing hotel with restaurant facility by demolishing the existing

2,815 sq. ft. entrance/lobby and replacing it with a new 6,085 sq. ft. addition resulting in a new building footprint of 43,775 sq. ft. Said real estate located at 349-351 West Main Rd and further identified as Lots 19300-19301 on Tax Assessor's Plat 108. It is represented that this matter is presently before the Planning board and therefore it is continued to June 23, 2015.

Petition of: D'Angelo Inc. c/o their attorney Vernon L. Gorton, Esq.- for a Special Use Permit from Sections 717 & 1200- to allow a drive up teller area and also to allow 2 additional building mounted signs for the proposed 2,500 sq. ft. TD Bank facility. Said real estate located at 553 West Main Rd and further identified as Lot 59 on Tax Assessor's Plat 107SE. It is represented that this matter is presently before the Planning board and therefore it is continued to June 23, 2015.

Petition of: D'Angelo Inc. c/o their attorney Vernon L. Gorton, Esq.- for a Variance from Section 1301B- to allow a 10' landscaped buffer where 20' is required for the off street parking facility for the proposed 2,500 sq. ft. TD Bank facility. Said real estate located at 553 West Main Rd and further identified as Lot 59 on Tax Assessor's Plat 107SE. It is represented that this matter is presently before the Planning board and therefore it is continued to June 23, 2015.

Petition of: Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT&T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esq. and Co-Counsel Robert M. Silva, Esq.- for a Special

Use Permit from Sections 602, 902(A) Article 25 Sections 2501(C) & 2502(A) and to the extent required, all rights reserved, any other required relief, pursuant to RIGL, Title 45, Ch. 45-24 as well as the Federal Telecommunications Act of 1996. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with an enclosed equipment shelter. Said real estate located at Coddington Highway and further identified as Lot 103 on Tax Assessor's Plat 103. David Martland, attorney for the petitioner, indicates that the matter is before the Planning Board and requests that it be continued to June 23, 2015. The crane test is set for June 12th and 13th at the location to replicate the height of the cell phone tower.

Petition of: Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT&T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esq. and Co-Counsel Robert M. Silva, Esq.- for a Variance from Sections 2504(B), 2504(G) & 2504(I)(1) and to the extent required, all rights reserved, any other required relief, pursuant to RIGL, Title 45, Ch. 45-24 as well as the Federal Telecommunications Act of 1996 including, to the extent required all rights reserved, a Federal Preemptive Variance. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with a rear yard setback 93' and a side yard setback of 105' where 157' is required and closer than the required 10' from the compound fencing. Also to allow the equipment shelter with a height of 10.5'

where 8' is allowed. Said real estate located at Coddington Highway and further identified as Lot 103 on Tax Assessor's Plat 103. David Martland, attorney for the petitioner, indicates that the matter is before the Planning Board and requests that it be continued to June 23, 2015. The crane test is set for June 12th and 13th at the location to replicate the height of the cell phone tower.

Petition of: Mary R. Navarro- for a Variance from Sections 603 & 701- to allow the addition of a 20' x 30' one story addition and covered porch with a right side setback of 4' where 15' is required. Said real estate located at 19 Murphy Circle and further identified as Lot 10 on Tax Assessor's Plat 106. The Building Inspector met with petitioner and the petitioner has requested a continuance to discuss the application with neighbors; the matter is therefore continued to June 23, 2015.

Full Hearings:

Petition of: John Peixinho by his attorney David P. Martland, Esq.- for a Variance from Sections 603, 701 & 703(D) - to allow the placement of a 4' X 6' trash barrel enclosure in the required front yard setback. Said real estate located at 195 Third Beach Road and further identified as Lot 72 on Tax Assessor's Plat 125. Jim Miller moves for approval and Olin Gambrell seconds. The petition is approved by a

vote of 5-0. Stephen MacGillivray recused himself due to his status as an abutter.

Petition of: WM Hotel Group LLC c/o First Bristol Corp (owner)- Cellco Partnership (applicant) c/o their attorney Daniel D. Klasnick- for a Special Use Permit from Article 25 & Article 6, Section 602 and Article 9, Section 902- to allow the installation of a Building-Mounted Wireless Facility at the property consisting of rooftop mounted panel antennas, a stealth enclosed rooftop mounted equipment shelter and a natural gas backup generator with all necessary utility connections and appurtenances. Said real estate located at 317 West Main Rd and further identified as Lot 131 on Tax Assessor's Plat 108. Robert Humphrey appeared as the local attorney. The petitioner presents its case. Questions arise as to whether the roof-top structure represents the least relief necessary or whether it can be engineered to present a small surface. Olin Gambrell moves to have the matter continued in order for the petitioner to present evidence or a revision with respect to this issue. Jim Miller seconds. The matter is continued to June 23, 2015 by a vote of 5-0.

Petition of: WM Hotel Group LLC c/o First Bristol Corp (owner)- Cellco Partnership (applicant) c/o their attorney Daniel D. Klasnick- for a Variance from Article 6, Section 603- to allow the installation of a Building-Mounted Wireless Facility at the property consisting of rooftop mounted panel antennas, a stealth enclosed rooftop mounted

equipment shelter and a natural gas backup generator with all necessary utility connections and appurtenances, the stealth enclosed rooftop shelter will be 14'-5" above the roof resulting in an overall building height of 51'-5" where 40' is allowed. Said real estate located at 317 West Main Rd and further identified as Lot 131 on Tax Assessor's Plat 108. Robert Humphrey appeared as the local attorney. The petitioner presents its case. Questions arise as to whether the roof-top structure represents the least relief necessary or whether it can be engineered to present a small surface. Olin Gambrell moves to have the matter continued in order for the petitioner to present evidence or a revision with respect to this issue. Jim Miller seconds. The matter is continued to June 23, 2015 by a vote of 5-0.

Petition of: Gregory B & Stacie B Hall by their attorney David P. Martland, Esq.- for a Special Use Permit from Section 803A- to allow the addition, extension and enlargement of an existing two-family dwelling. Said real estate located at 85 Third Beach Road and further identified as Lot 5 on Tax Assessor's Plat 125. After presentation of the petition, Stephen MacGillivray moves for approval of a special use permit and Olin Gambrell seconds. The petition is granted by a vote of 5-0 with respect to the special use permit. Tom Silveira recuses.

Petition of: Gregory B & Stacie B Hall by their attorney David P. Martland, Esq.- for a Variance from Sections 603, 701 & 803G- to allow improvements to the existing structures, including the addition of

dormers located within the required front and side yard setbacks, reconstructing an existing deck to include a roof with a front yard setback of 17'-8" where 40' is required and a left side yard setback of 21' where 30' is required, construction of an attached garage with a front yard setback of 20' where 40' is required and a side yard setback of 3'-7" where 30' is required, construction of a deck with a side yard setback of 5'-2" where 30' is required and an in-ground swimming pool resulting in lot coverage of 15.7% where 15% is allowed. Said real estate located at 85 Third Beach Road and further identified as Lot 5 on Tax Assessor's Plat 125. After presentation of the petition, Stephen MacGillivray moves for approval of the request for variance and Olin Gambrell seconds. The petition is granted by a vote of 5-0 with respect to the variance. Tom Silveira recuses.

Olin Gambrell moves for adjournment and Stephen MacGillivray seconds. The meeting is adjourned at 8:35 PM.